

### **REMARKS/ARGUMENTS**

Claims 1-7, 9-15, 17-18, 20-22, 25-31, 33, 35, 37-39, and 41-44 remain in the application for further prosecution. Claims 1, 13, 25, 31 and 37 have been amended. Claims 8, 16, 19, 23, 24, 32, 34, 36 and 40 have been canceled.

#### **§102 Rejection**

Claims 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 2,353,128A (Claypole et al.).

#### **§103 Rejection**

Claims 22 is rejected under 35 U.S.C. 103(a) as being anticipated by GB 2,353,128A (Claypole et al.) in view of U.S. Patent No. 6,311,976 B1 (Yosoloff).

Claims 1-17 and 25-41, and 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable by GB 2,353,128 A (Claypole et al.) in view of U.S. Patent No. 6,077,163 (Walker et al.).

Claims 18 and 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Claypole et al. and Walker et al. in further view of U.S. Patent No. 6,311,976 (Duhamel).

#### **Teleconferences With Examiner**

Applicants' representative appreciates the telephone conferences with Examiner Hsu on August 2, 2006, August 31, 2006, and September 1, 2006. During those telephone conferences, Applicant's representative and Examiner Hsu discussed the prior art and some of the pending claims. No final decision was reached regarding the patentability of any of the claims.

#### **Amended Claims 1 and 25**

As discussed with the Examiner, independent claims 1 and 25 are directed to a wagering game in which a player purchases a series of plays the basic portion of the game. The wagering game provides an accumulation feature in which an element is accumulated over the series of plays. Further, the accumulation feature is reset prior to each purchased series of pays. As discussed with the Examiner, this is an important attribute of the accumulation feature that

removes the “vulturing effect” that can occur in wagering games with an accumulation feature, as described in the Background Section of the present specification in Paragraph 5. Neither Claypole nor Walker discloses such a feature. The paths 348, 350, and 352 in Claypole’s basic portion of wagering game are **not** reset after each wager is received. Rather, the player is encouraged to keep wagering to move up these paths 348, 350, and 352.

Furthermore, independent claims 1 and 25 require that the single wager is an amount that is independent of the players playing the wagering game. The Examiner appears to rely on Walker for this claim element. But, as discussed during the telephone conference with the Examiner, Walker’s system is designed to reward certain players. The player must enter “player identifying information” to determine a flat rate of play. See Walker, Col. 3, lines 17-18. See also Walker, Col. 6, lines 50-55. Later, Walker sets forth an equation for calculating the flat rate, which includes the “Player Status Rating (PSR)” Col. 7, lines 63-64 and Col. 8, lines 30-39. As such, Walker’s teaching is the **antithesis** of what is being claimed in claims 1 and 25.

Finally, claim 25 further includes a specific relationship between the basic portion of the game and the bonus game as it relates to the accumulation feature, which further distinguishes claim 25 from the prior art.

### **Independent Claim 20**

The Applicants **respectfully request** the Examiner to reconsider the rejection of claim 20 as the Examiner’s reading of claim 20 or the prior art appears to be in error. Claim 20 requires that the winning outcomes are winning symbol combinations including a plurality of symbols and that “the number of movements varying with different ones of the winning symbol combinations.”

Claypole teaches paths 348, 350, and 352, but the movement along those trails is **not** dictated by any winning symbol combination. Quite differently, some of the **symbols** (not symbol combinations) in Claypole have associated points 360 (shown in Claypole’s FIG. 3 as numbers in a parenthetical) in a corner of the symbol location and movement along those trails is dictated by the points 360 in the corners of the symbols. In other words, movement along Claypole’s trail is independent of any winning symbol combination resulting in a prize on the

win line 342. See Claypole, page 7-line 26 to page 8, line 14. As such, Claypole cannot anticipate claim 20 for this reason alone.

Further, claim 20 requires that “each of the winning outcomes in the pay table ... being directly associated with respective non-credit-based awards.” Claypole does not teach this. For example, if three of Claypole’s “star” symbols (shown in FIG. 3 with no points) appeared on an active payline, then the three “star” symbols would be a winning symbol combination, but this winning symbol combination would have no non-credit-based award associated with it.

Reconsideration of the rejection of amended claim 20 and dependent claim 21 is respectfully requested.

### **Independent Claim 22**

Claim 22 requires a wagering game including a pay table in which winning outcomes are directly associated with respective non-credit-based awards including awards in the form of “**a number of free plays of the game, the number of free plays varying with different ones of the winning outcomes.**” The Office Action primarily relies upon Claypole for rejecting claim 22, but specifically relies upon Yoseloff, col. 10, lines 20-24, as disclosing this highlighted claim feature listed above.

However, Yoseloff’s statement at col. 10, lines 20-24 is nothing more than a comment on a **prior art** wagering game in which a **certain number** of free plays may be provided to a player when a symbol transforms or morphs. However, this is **not** what claim 22 is claiming. Claim 22 requires that different ones of the winning outcomes have different numbers of free plays as dictated by the novel pay table in FIG. 12 of the present application.

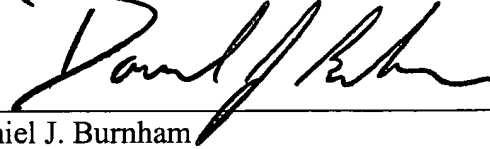
In the final Office Action, the Examiner implicitly acknowledges that Yoseloff’s statement at col. 10, lines 20-24 lacks the teaching of the highlighted material by relying on some aspect of inherency. This is not proper. Nowhere does Yoseloff implicitly or explicitly teach of that a number of free plays of the game are awarded, and that the number of free plays varies as a function of the different winning outcomes. Again, the Applicants **respectfully request** the Examiner to reconsider the rejections of claim 22.

**Conclusion**

It is the Applicants' belief that all of the pending claims are in condition for allowance and action towards that end is respectfully requested.

If any matters may be resolved or clarified through a telephone interview, the Examiner is respectfully requested to contact the Applicants' undersigned attorney at the number shown.

Respectfully submitted,



Date: September 5, 2006

---

Daniel J. Burnham  
Reg. No. 39,618  
Jenkins & Gilchrist  
225 West Washington Street, Suite 2600  
Chicago, IL 60606-3418  
(312) 425-3900  
Attorney for Applicants